

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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**BRIAN BARNES**, individually and on behalf  
of all others similarly situated,

*Plaintiff,*

v.

**AEGIS CAPITAL CORP.**, a New York  
Corporation,

*Defendant.*

-----X

Case No. 16-cv-04577 (LLS)

**[PROPOSED]  
SCHEDULING ORDER**

WHEREAS, on June 22, 2017, the Court, at the conclusion of a pre-motion conference,  
Ordered that the Parties submit a proposed scheduling order pursuant to Fed.R.Civ.P. 16  
reflecting proposed deadlines for the agreed-upon eight (8) month discovery period.

NOW THEREFORE, the Parties jointly submit the following information in accordance  
with the Court's request:

1. Proposed Schedule:

- a. Service of document requests and initial interrogatories: **both Parties have  
already served initial document requests and interrogatories.**
- b. Non-expert witness depositions:
  - i. Initial identification by each party: **At least thirty (30) days prior to the  
close of fact discovery, which the Parties propose be completed by  
February 2, 2018.**
  - ii. Timetable for deposition: **Depositions of non-experts shall be completed**

**by the close of fact discovery, which the Parties propose be completed  
by February 2, 2018.**

- c. All non-expert discovery to be completed by: **February 2, 2018.**
- d. Disclosure of Experts and Reports as required by Rule 26(a)(2) by: **February 2, 2018.**
- e. Depositions of experts by: **April 2, 2018.**
- f. Pre-trial motions: **The Parties propose that after the conclusion of expert discovery that Plaintiff move for class certification within twenty-eight (28) days, that Defendant thereafter have twenty-eight (28) days to respond, and Plaintiff shall have fourteen (14) days to reply. After the Court has entered an Order on class certification, the Parties' propose that the Court hold a subsequent case management conference to set deadlines for the remainder of the case.**

Respectfully submitted,

July 10, 2017

By: /s/ Patrick H. Peluso  
One of Plaintiff's Attorneys

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on July 10, 2017, I served the above and foregoing papers on all counsel of record by causing such paper to be filed with the Court via the Court's electronic filing system.

/s/ Patrick H. Peluso